

### DETAILED ACTION

1. This communication is a First Action Non-Final on the merits. Claims 1-31, as originally filed, are currently pending and have been considered below.

#### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 5 recites “creating historical information store”. It is unclear what the applicant is claiming regarding said historical information store. Examiner construes this to mean creating a historical information storage database

Claims 2-10 are dependent on claim 1, and are therefore rejected using the same rationale.

In claim 11, line 7 recites “creating historical information store”. It is unclear what the applicant is claiming regarding said historical information store. Examiner construes this to mean creating a historical information storage database

Claims 12-20 are dependent on claim 11, and are therefore rejected using the same rationale.

In claim 21, line 5 recites “creating historical information store”. It is unclear what the applicant is claiming regarding said historical information store. Examiner construes this to mean creating a historical information storage database

Claims 22-31 are dependent on claim 11, and are therefore rejected using the same rationale.

In claim 2, line 2 recites "create a sales process". It is unclear whether applicant intends for "creating a sales process" to have the same meaning as "generating a sales process" as recited in claim 1, line 9. Examiner construes both "creating" and "generating" sales process to have the same meaning.

In claim 12, line 3 recites "create a sales process". It is unclear whether applicant intends for "creating a sales process" to have the same meaning as "generating a sales process" as recited in claim 11, line 9. Examiner construes both "creating" and "generating" sales process to have the same meaning.

In claim 22, line 3 recites "create a sales process". It is unclear whether applicant intends for "creating a sales process" to have the same meaning as "generating a sales process" as recited in claim 21, line 9. Examiner construes both "creating" and "generating" sales process to have the same meaning.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-7, 11-17, and 21-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Das et al. (2003/0023538).

As per claim 1, 11, and 21, Das et al. discloses “A method, machine readable storage and system for processing sales process information, the method comprising:

acquiring the sales process information from at least one of a plurality of information resources” (pg. 5, ¶ 56; discloses information pertaining to vendors such as cost of materials and product, expected customer demand, and other market factors and also construed as current vendors price, and vendor reputation);

“creating historical information store using said acquired sales process information” (Fig 4 and pg 7, ¶ 82 discloses a databases 430 and 440 that stores information regarding vendors and products and transaction records, respectively)

“creating rules based on said acquired sales process information in said historical information store” (pg. 5, ¶ 57; discloses values pertaining to vendor information, including for example, the cost of materials/vendor prices as discussed above, are used as a basis for structuring the operational purchase decision making of the present invention, where the decision making is based on rules);

“and generating a sales process from at least a portion of said created rules” (pg. 4, ¶ 50; discloses where sets of rules are used to guide and generate purchasing decision making sales processes).

As per claim 2, 12, and 22 Das et al. discloses “in response to a request to create a sales process, determining whether matching sales process information corresponding to said request is located in said historical information store” (5, ¶ 54, It is

determined that there is an existing match, for example, when the rules created in response to a request to determine if the higher or lower quality product should be bought because there is a match that exists between the two products that both meet the purchasers needs).

As per claim 3, Das et al. discloses “if matching sales process information corresponding to said request is located in said historical information store, utilizing at least a portion of said matching sales process information for said generating of said sales process” (pg. 5, ¶ 55; discloses purchaser determines whether to pay a lower price to a less-desirable vendor or a higher price to a more-desirable vendor, where sales process is generated by selecting which one of the two matching products to purchase).

Claims 13 and 23 recite equivalent limitations to claim 3 and are therefore rejected using the same art and rationale as set forth above.

As per claim 4, Das et al. discloses “if no matching sales process information corresponding to said request is located in said historical information store, generating new rules corresponding to said request to create said sales process” (pg. 5, ¶ 55; if matching product information is not available, then the multi-attribute utility function used to decide between the two products cannot be used to create the sales process, Therefore a new set of rules must be generated and applied in order to make the purchasing decision like, for instance, the exogenous preference or constraint information as discussed in ¶ 59).

Claims 14 and 24 recite equivalent limitations to claim 4 and are therefore rejected using the same art and rationale as set forth above.

As per claim 5, Das et al. discloses “dynamically generating said new rules corresponding to said request to create said sales process” (pg. 5, ¶ 56; via values associated with products may be dynamic and updated in an automatic, semiautomatic, or manual manner. These values are used to create rules for selecting potential vendors from which to purchase products, where if these values are dynamic then rules must be created dynamically as well).

Claims 15 and 25 recite equivalent limitations to claim 5 and are therefore rejected using the same art and rationale as set forth above.

As per claim 6, Das et al. discloses “defining sales processing steps corresponding to said generated new rules” (pg. 10, ¶ 110; via the system uses the generated rules to instruct the negotiation engine to take specific steps that were defined in order to negotiate a sale between the automated system and the vendor).

Claims 16 and 26 recite equivalent limitations to claim 6 and are therefore rejected using the same art and rationale as set forth above.

As per claim 7, Das et al. discloses “defining at least one of sales processing activities and sales processing steps corresponding to said generated new rules” (pg. 10, ¶ 110; via the system uses the generated rules to instruct the negotiation engine to take specific steps that were defined in order to negotiate a sale between the automated system and the vendor).

Claims 17 and 27 recite equivalent limitations to claim 7 and are therefore rejected using the same art and rationale as set forth above.

***Claim Rejections - 35 USC § 103***

6. Claims 8, 9, 18, 19, 28, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Das et al. as applied to claim 1, 11, and 21 above and further in view of Pericle (2003/02170160).

As per claim 8, Das et al. discloses all of the elements of the claimed invention but fails to explicitly disclose "selecting said at least one of said sales processing activities and said sales processing steps for said generating of said sales process". Pericle teaches a pricing model system and method that "selects said at least one of said sales processing activities and said sales processing steps for said generating of said sales process" (pg. 3, ¶ 36; via the user may select two ways to make price modifications).

Therefore it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the apparatus, system and method for automatically making operational selling decisions of Das et al. to include the step of "selecting said at least one of said sales processing activities and said sales processing steps for said generating of said sales process" as taught by Pericle since allowing the user to select among processes by which he might like to negotiate sales process decisions will ensure that the automated system will meet the needs of the user.

Claims 18 and 28 recite equivalent limitations to claim 8 and are therefore rejected using the same art and rationale as set forth above.

As per claim 9, Das et al. discloses all of the elements of the claimed invention but fails to disclose “analogizing based on at least similar sales process information”. Pericle teaches a pricing model system and method that “analogizes based on at least similar sales process information” (pg. 3, ¶ 34; via items could be classified in one or more category groupings using raw sales data, where the category groupings is a way of analogizing items based on similar sales data).

Therefore it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the apparatus, system and method for automatically making operational selling decisions of Das et al. to include the step of “analogizing based on at least similar sales process information” as taught by Pericle since such would make it easy to create a new sales process if necessary information isn't able to be located in the historical information store.

Claims 19 and 29 recite equivalent limitations to claim 9 and are therefore rejected using the same art and rationale as set forth above.

7. Claims 10, 20, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Das et al. as applied to claim 1, 11, and 21 above and further in view of Woo (2003/0229502).

As per claim 10, Das et al. discloses all of the elements of the claimed invention but fails to explicitly disclose “hypothesizing based on sales process information located

in said historical information store, in order to generate said sales process”. Woo teaches a markdown management system that “hypothesizes based on sales process information located in said historical information store, in order to generate said sales process” (pg. 1, ¶ 17; via analyze historical information about sales of different items to isolate a best estimate of the price elasticity of each item. This best estimate is construed to be a hypothesis).

Therefore it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the apparatus, system and method for automatically making operational selling decisions of Das et al. to include the step of “hypothesizing based on sales process information located in said historical information store, in order to generate said sales process” as taught by Woo since such would make it easier to create a new sales process if necessary information isn't able to be located in the historical information store.

Claims 20 and 30 recite equivalent limitations to claim 10 and are therefore rejected using the same art and rationale as set forth above.

8. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Das et al. in view of Pericle as applied to claim 30 above, and further in view of Lotter et al. (2002/0184163).

As per claim 31, the Das et al. and Pericle combination discloses all of the elements of the claimed invention but fails to explicitly disclose “sales integration engine comprises at least one of a data synchronizer, a service scheduler, a service notifier and an integration configurator”. Lotter et al. discloses an insurance transaction



processing system having a “sales integration engine comprising at least one of a data synchronizer, a service scheduler, a service notifier and an integration configurator” (pg. 13, ¶ 132; via data synchronizer program).

Therefore it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the apparatus, system and method for automatically making operational selling decisions of the Das et al. and Pericle combination to include the data synchronizer as taught by Lotter et al. since such would facilitate the synchronization and organization of the information required to perform the steps of the invention.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Foretich et al. discloses a system and method for valuing real property. Corronna et al. discloses a payment management system. Ono et al. discloses an online shopping support method based on the purchase history of users. Johnson et al. discloses an integrated computerized sales force automation system. Fox discloses a method and system for inventory management. Garg et al. discloses a method for fast and accurate evaluation of periodic review policy. Chappel discloses a method and system for assessing and planning business operations. Manabe et al, discloses and information providing system and method. Lee et al. discloses a system and method for configuring sell bids.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CANDICE D. CARTER whose telephone number is

(571)270-5105. The examiner can normally be reached on Monday-Friday (7:30-5:00) with First Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynda Jasmin can be reached on (572) 272-3033. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Elaine Gort/  
Primary Examiner, Art Unit 3627

CDC

Application/Control Number: 10/716,104  
Art Unit: 3627

Page 12